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12 Attorneys for Plaintiff
13 MERAKI, INC.

14
15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 MERAKI, INC.,
a Delaware corporation,

19 Plaintiff,

20 vs.

21 CLEARPATH NETWORKS, INC.,
22 a Delaware Corporation,

23 Defendant.

Case No. 3:13-cv-00145-SI

**STIPULATED REQUEST TO
RESCHEDULE INITIAL CASE
MANAGEMENT CONFERENCE FROM
APRIL 26, 2013 TO MAY 17, 2013 AND
MODIFY BRIEFING SCHEDULE
REGARDING MOTION TO DISMISS
AND [PROPOSED] ORDER**

24
25 WHEREAS, Plaintiff Meraki, Inc. ("Meraki") initiated this action for declaratory judgment
26 of noninfringement and invalidity of three United States patents owned by Defendant ClearPath
27 Networks, Inc. ("ClearPath") on January 10, 2013;

28 / / /

1 WHEREAS, ClearPath initiated an action alleging infringement against Meraki and its
2 parent company Cisco Systems, Inc. on the same three United States patents on January 14, 2013,
3 in the United States District Court for the Central District of California (“Central District
4 Action”);

5 WHEREAS, the parties have previously submitted three stipulations to extend time for
6 ClearPath to respond to the Complaint (Dkt. Nos. 13, 15, and 16) pending settlement discussions;

7 WHEREAS, on April 1, 2013, ClearPath filed a Motion to Dismiss Based on the
8 Anticipatory Lawsuit Exception to the First-to-file Rule (Dkt. No. 19);

9 WHEREAS, ClearPath’s motion to dismiss is currently scheduled for a hearing on May 17,
10 2013, at 9:00 a.m.;

11 WHEREAS, the parties continue to engage in settlement discussions and have agreed to
12 mediate within 90 days of the date in which an ADR order is issued in this case;

13 WHEREAS, to avoid duplicative motion practice, the parties have also agreed to extend all
14 deadlines in the Central District Action pending resolution of ClearPath’s motion to dismiss in this
15 action;

16 WHEREAS, the parties have agreed to modify the briefing schedule for the motion to
17 dismiss such that Meraki’s opposition will be due April 24, 2013, and ClearPath’s reply will be
18 due May 6, 2013;

19 WHEREAS, pursuant to the Clerk’s Notice of January 28, 2013 (Dkt. No. 11), the parties
20 to this action are scheduled to appear before the Court for a Case Management Conference on
21 April 26, 2013, at 2:30 p.m.;

22 WHEREAS, the parties believe there is good cause, in terms of efficiency and additional
23 time to pursue settlement, to reschedule the Case Management Conference before this Court to the
24 same date and, to the extent the Court is amenable, the same time as the hearing on ClearPath’s
25 motion to dismiss on May 17, 2013;

26 IT IS HEREBY STIPULATED AND AGREED, pursuant to Civil Local Rule 6-1, by
27 Plaintiff Meraki and Defendant ClearPath, through their respective counsel, that the briefing
28 schedule for ClearPath’s motion to dismiss is modified such that Meraki’s opposition is now due

1 April 24, 2013, and ClearPath's reply is now due May 6, 2013. The parties further stipulate and
2 agree that the Case Management Conference currently scheduled before this Court for April 26,
3 2013, at 2:30 p.m., shall be rescheduled to May 17, 2013, at ^{2:30 p.m.}~~9:00 a.m.~~, or such other time as may
4 be convenient for the Court.

5
6 Dated: April 10, 2013

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

7
8 By: /s/ Stefani E. Shanberg
Stefani E. Shanberg

9
10 Attorneys for Plaintiff
MERAKEI, INC.

11
12 Dated: April 10, 2013

MITCHELL SILBERBERG & KNUPP LLP

13
14 By: /s/ Kevin E. Gaut
Kevin E. Gaut

15 Attorneys for Defendant
CLEARPATH NETWORKS, INC.

16
17
18 **ORDER**

19
20 Pursuant to stipulation, IT IS SO ORDERED.

21
22 Dated: 4/15/13

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United States District Judge

ATTESTATION CLAUSE

I, Stefani E. Shanberg, am the ECF User whose identification and password are being used to file this Stipulation. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Kevin E. Gaut of Mitchell Silberberg & Knupp has concurred in this filing.

Dated: April 10, 2013

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ Stefani E. Shanberg
Stefani E. Shanberg

Attorneys for Plaintiff
MERAKEI, INC.